

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA**

BURCHICK CONSTRUCTION COMPANY,)
INC.,)
)
Plaintiff,) Civil Docket No. 05-CV-12E
)
vs.)
)
HBE CORPORATION,) Judge McLaughlin
)
Defendant.) (Electronically Filed)

PROPOSED ORDER OF COURT

AND NOW, to-wit, this _____ day of _____, 200____, it is ORDERED, ADJUDGED and DECREED that judgment is entered in favor of Burchick Construction Company, Inc. and against HBE Corporation in connection with Burchick Construction Company, Inc.'s claims on the Hospital Contract in the amount of \$60,652.40, together with interest at the rate of 1% per month commencing on August 13, 2003 in accordance with the provisions of the Contractor and Subcontractor Payment Act, 73 P.S. § 501 et. seq. (the "Act") through the date of this Order in the amount of _____, together with a penalty equal to 1% per month commencing on August 13, 2003 through the date of this Order in the amount of _____, plus reasonable attorneys' fees be awarded Burchick Construction Company, Inc. in accordance with the provisions of the Act, in an amount to be determined at an evidentiary hearing to be held on _____.

It is further ORDERED, ADJUDGED and DECREED that judgment is entered in favor of Burchick Construction Company, Inc. and against HBE Corporation in connection with Burchick Construction Company, Inc.'s BHF contract in the amount of \$48,658.00, together

with interest at the rate of 1% per month commencing on October 14, 2003 in accordance with the Act, through the date of this Order in the amount of _____, together with a penalty equal to 1% a month commencing on October 14, 2003 through and including the date of this Order in the amount of _____, together with reasonable attorneys' fees calculated in accordance with the provisions of the Act, in an amount to be determined at an evidentiary hearing to be held on _____.

BY THE COURT:

J.